



THE CITY OF SAN DIEGO

**CITIZENS' EQUAL OPPORTUNITY COMMISSION
REGULAR BUSINESS MEETING**

MINUTES

**Wednesday, May 6, 2009
6:00 P.M.**

**City Administration Building
Council Committee Room
202 C Street – 12th Floor
San Diego, CA 92101**

ATTENDANCE: Commissioners:
Rebecca Llewellyn, Brad Barnum, Daniel Salas, Debbie
Day, Dr. Shirley Weber, Ph.D., Maurice Wilson

MAYOR'S STAFF: Nathan Slegers – City Attorney, Ryan Kohut – City
Attorney, Hildred Pepper – Director P & C, Beryl
Rayford – EOC Program Manager, Terrell Breau – EOC
Supervisor, Claudia Abarca – EOC Management Analyst,
Laura Davis – EOC WPO

PUBLIC SPEAKERS: NONE

Item 1: CALL TO ORDER

The meeting was called to order at 6:05 p.m. by Chairperson Rebecca Llewellyn.

Item 2: APPROVAL OF MARCH 4, 2009 and MARCH 11, 2009 (SPECIAL MEETING MINUTES) & TODAY'S AGENDA:

MOTION: To approve the March 4, 2009 and March 11, 2009 Minutes

Made by: Daniel Salas
Second by: Dr. Shirley Weber, Ph.D.

VOTE: PASSED (Yea- 6; Nay-0)

CITIZEN'S EQUAL OPPORTUNITY COMMISSION
Minutes from May 6, 2009

Item 3: PUBLIC COMMENT: None

Item 4: STAFF REPORT:

EOC Program Manager Rayford for Director Debra Fischle-Faulk:

Ms. Rayford also announced that the community outreach meetings for the Small Local Business Enterprise Program had been completed. EOCP staff and Director Fischle-Faulk held various meetings at the Black Contractors Association, the San Ysidro Community Center, and the Association of General Contractors and would be reviewing and addressing concerns brought forth at those meetings at a later date. Ms. Rayford explained the new race conscious program that was being implemented by Caltrans and how it would affect construction contracts with the City of San Diego. Currently there is one Caltrans related project set for consulting in which the new methodologies would be in place. Ms. Rayford announced there would be a meeting held for the \$103M set for construction projects and would allow for primes to meet with subs. Ms. Rayford stated that the information on this meeting is available online and would also email the flyer to the Commissioners if they liked. Ms. Rayford then asked if there were any questions on what she had reported.

Commissioners had a discussion on Staff Report.

Brad Barnum asked for further clarification in reference to the contract Ms. Rayford mentioned as it sounded more like a construction contract not a consultant contract, to which Ms. Rayford clarified.

Debbie Day stated that there were a number of questions that were brought forth at the AGC meeting from the audience. She questioned when those questions would be addressed. Ms. Rayford stated she did not know but would follow up with Director Fischle-Faulk for a response.

Daniel Salas asked if anyone knew what those questions were in regards to as he was not able to attend the meeting. Brad Barnum stated that they referred to a lot of the same issues that they have always had along with others, but there were too many to go through at this time. He mentioned Debra would be going to the Rules Committee and would then provide answers to those questions.

Ms. Rayford mentioned that the Rules Committee meeting would occur sometime at the end of May and answers would likely occur sometime in June.

CITIZEN'S EQUAL OPPORTUNITY COMMISSION

Minutes from May 6, 2009

Daniel Salas asked what the current status of the vendor registration process was. Ms. Rayford referred the question to Mr. Hildred Pepper of P&C for an answer.

Mr. Pepper thanked Mr. Salas for his question and informed him that there were still some issues with the figures in the system. There are currently about 1400 registrants with an additional 200 applying for registration. With the City's transition to ONESD, those vendors will be transitioned into the new system and then will have the ability to send out opportunities at that point. The ability to send out these opportunities is currently available, however it is a mangled effort that is not electronic yet and not recommended until the transition into ONESD.

Mr. Barnum wanted to follow up with SCOP documentation requirements along with vendor registration, would this decrease the turn time from 3 days to 1 day? Ms. Rayford interjected that at this time; SCOP is still a three day process and was not aware of the capabilities of the vendor registration program being able to send out announcements. If there is to be a change in that turn time, there would be an announcement made and it would be seen in the contract specifications.

Ms. Llewellyn stated that she had brought in handouts of the FAQ's for Caltrans new race conscious/race neutral program. She hoped all had already picked that up for review. She also stated that she was excited and proud to see the City of San Diego sign the agreement to join these efforts, to her knowledge, only the City of National City and the City of San Diego were the only two cities to promptly adopt this system. She felt the handout would be an educational tool for the Commissioners. Debbie Day requested if the copy could be sent electronically to which Ms. Rayford responded that she would provide it to everyone from the Caltrans website.

Ms. Llewellyn asked if there were further questions of Beryl's Staff Report before moving on to Item 5.

Item 5: CITY ATTORNEY REPORT:

Ms. Llewellyn stated that there was a rattling report given by the State Attorney General and wondered if the City Attorney had a response in regards to that.

City Attorney's office did not have a response at the moment; they were filling in for Sanna Singer at today's meeting.

Ms. Llewellyn requested that the City Attorney respond to the issue brought forth by the Attorney General regarding Proposition 209 at the next meeting. That request will be passed on to Sanna Singer.

Item 6: CHAIR'S REPORT

Ms. Llewellyn stated that there was a new commissioner that would be installed and perhaps would be attending the next CEOC meeting. There were two small committees that were set up at the Special Meeting. Diversity and Consulting and Vendor Relationships were the small committees that were formed. They will be reporting at the next meeting their findings and recommendations. There was no official meeting in the previous month (April) because there was no official quorum, however it was held at the Black Contractor's Association and she was very pleased with the turnout that occurred. There were several issues that were brought forth, one of them in regards to local trucking companies that are not being used for construction projects. There was another issue discussed that she was unclear of where community development issuing money to the Black Contractor's Association and perhaps the Latino organization. She asked if this was block grant money.

Ms. Rayford responded that while she was not exactly sure which particular grant she was referring to, it more than likely was a CDBG grant to help assist the organizations in helping small companies obtain construction work.

Ms. Llewellyn would like a report on how much money is being awarded and to whom and what the responsibilities that the organizations have for future reference and accounting purposes.

Ms. Rayford responded that she would contact the CDBG department to see just how much information in reference to these grants could be released to the commission.

Dr. Weber, Ph.D. asked if this was FY '09 money or if this money was from a prior time period. Ms. Rayford noted that it more than likely was FY '08 but would have to verify this to be sure.

Dr. Weber, Ph.D. would like to have a report to show the effectiveness of these grants and how a report can be obtained. Ms. Rayford stated that those findings are typically provided in the CDBG report. Ms. Day also asked how they could obtain a copy of the year-end report and Mr. Salas asked how they could track the success of such funding. Ms. Llewellyn would like a copy so that they might be able to make recommendations on what they would like to see with the funding.

CITIZEN'S EQUAL OPPORTUNITY COMMISSION

Minutes from May 6, 2009

Mr. Pepper stated that the City Attorney would have to be notified of this request. P&C has a copy of funding requests for CDBG money but cannot release information without the approval of the City Attorney. He recommended that the commission follow-up with the CDBG department in regards to obtaining such a report.

Ms. Rayford wanted clarification on what exactly they wanted the report for. Was it just construction related or technical services as well?

Dr. Weber, Ph.D., suggested that the report submitted should include all organizations that are awarded monies for outreach and diversification purposes so that the commission could see the results and effectiveness of such awards and provide suggestions or feedback on what can be done to help improve results if necessary.

Ms. Rayford stated she would take the commission's request back to the CDBG department. She asked when they would like to see such a report completed.

Ms. Day responded that she would like to not have to wait a year. Ms. Rayford asked if the report was complete, would they like to see the report next month. Dr. Weber, Ph.D., stated that if the reports were already done the commission would just like a handout, no presentation necessary. Dr. Weber also stated that she would like the City Council to know that their commission is concerned about what is going on with the money they are awarding to make appropriate recommendations when necessary.

Ms. Llewellyn stated the answers to Ms. Winstead's questions from a prior meeting were distributed at the Special Meeting held on March 11, 2009. Will provide an electronic copy to everyone again.

Ms. Llewellyn moved on to certifications. She mentioned the importance of getting people certified and encourage participation in these efforts. What is the department doing in terms of getting people certified?

Ms. Rayford responded that there is one individual in the Administration Department that is working on sending out emails and letters in an effort to promote the certification process.

Ms. Llewellyn inquired about how the stimulus money would affect contracts in terms of the UDBE groups identified by Caltrans. Ms. Rayford stated that the issue was still up in the air and could not confirm how SANDAG would be approaching the issue.

CITIZEN'S EQUAL OPPORTUNITY COMMISSION

Minutes from May 6, 2009

Ms. Llewellyn stated that she would like to see some consistency with the Final Summary Reports on construction projects. She inquired as to who does the reporting as there are times when subcontractors do not get paid what is actually listed on that report. How does one know that they are being enforced? Mr. Salas asked what occurs when a Final Summary Report is not received; does that mean that final payment is not made? Ms. Rayford stated that, yes, EOC has been receiving Final Summary Reports and that the department is enforcing the reporting a lot stronger due to being fully staffed at this point. Ms. Llewellyn also stated that some companies were being listed on the Final Summary Reports when in fact they never performed any work on the construction project and that there should be some probing into that as well.

Ms. Llewellyn asked if there were any other questions in regards to what had been discussed thus far.

Mr. Salas announced he needed to leave (7:05 PM) and the quorum was lost.

Mr. Barnum requested on a final note that he would like to be on one of the smaller committees that were just formed. He also would like further information on SCOP awarded projects. Would like to see who all is bidding and not just who has won the actual project. Mr. Pepper stated that he felt that that information could be provided and he would forward it to Ms. Rayford and Director Fischle-Faulk in order to then provide to CEOC.

City Attorney recommended that the meeting end immediately as the quorum had been lost.

Item 7: ADJOURNMENT:

MOTION: Motion to adjourn at 7:09 PM.
Made by: Maurice Wilson
Seconded: Rebecca Llewellyn